

REMARKS

Reconsideration of this application is respectfully requested.

This Amendment follows a telephone interview with examiner Augustin and the undersigned on December 4, 2006. During the interview applicant's attorney discussed a proposed new claim 33, that replaces claim 1.

Although no commitments were made by the examiner during the interview, the examiner indicated that the format of claim 33 appears to overcome the rejection under 35 USC §101 and 35 USC §112, second paragraph.

New independent claims 33, 34, 35, and 36 replace the cancelled independent claims 1, 2, 29 and 30. All dependent claims now depend on selected new independent claims 33, 34, 35, 36.

Applicant respectfully submits that the form of the independent claims 33, 34, 35 and 36 is in full compliance with the requirements of 35 USC §101 and 35 USC §112, second paragraph. Accordingly applicant respectfully requests that the rejection of claims under 35 USC §101 and 35 USC §112 be withdrawn.

All pending claims herein have been rejected under 35 USC §103 (a) based on U.S. patent 5,982,984 to Planke and U.S. patent 6,281,886 to Ranieri. Applicant would like to point out that newly submitted independent claim 33 requires a non-validated token to have information relating to a unique token number and article type. Thus if ten articles of the same type are selected at an article token selection panel by ten different consumers each non-validated token would have a different token number.

Claim 33 further requires that the non-validated token be issued by a printer controlled by the article token selection panel device that displays articles or representations thereof, for selection by a customer upon activation of the device. Claim 33 also requires that the unique token number be selected from the group consisting of a serially generated code, a randomly generated

code, a predetermined series of codes and a unique token number generated serially or randomly.

Claim 33 additionally requires that a checkout unit have means for receiving payment for the article of merchandise, identified by the non-validated token, means for generating a first transaction code after payment has been received and means for providing the customer with a validated token having a second transaction code. Claim 33 further requires that the unique token number provided on the non-validated token constitute the second transaction code on the validated token. Claim 33 still further requires a comparator that cooperates with an article dispensing device to dispense the selected article when there is a predetermined code correspondence between the first transaction code and the second transaction code.

In comparison with applicant's claim 33 Planke provides a preprogrammed prefabricated card which contains data in the form of a number for the article and a serial number that is unique to the individual card.

In Planke's system, a card that represents one type of article is dedicated to that article and cannot be changed to represent another type of article. Planke states that the card is preprogrammed and is thus inexpensive to produce (col. 3, lines 26-34). Planke does not provide on-the-spot printing of a non-validated token by a printer that is activated by an article token selection panel device. Furthermore, Planke deliberately does not provide a reprogrammable card because of the expense associated with a reprogrammable card.

Applicant's system as claimed in claim 33 differs from Planke by applicant's provision of a programmable token with a unique token number that can be correlated with any article selected by a customer at the article token selection panel. Applicant's token is not preprogrammed as in Planke, but is issued on demand by a printer, controlled by the article token selection panel device, which is activated by the customer.

The examiner has combined Ranieri with Planke to render applicant's system an obvious modification of Planke.

Applicant respectfully submits that this combination is not obvious because Ranieri deals with kiosk devices that allow customers to obtain government services and products rather than obtaining a voucher for an article or service. In Ranieri a user instructs a kiosk device to provide a particular article or to accept payment for a fine or parking ticket.

Ranieri does not show or suggest a system for sale of consumer goods wherein a non-validated token is issued by a printer controlled by an article token selection panel activated by the customer.

It is thus submitted that the claim 33 is allowable over Planke and Ranieri and allowance thereof is respectfully requested.

Dependent claims 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, which directly or indirectly depend on claim 33 are likewise submitted as allowable for the reasons supporting allowance of claim 33 as well as the distinctions defined therein. Allowance of such claims is thus respectfully requested.

Independent claims 34, 35 and 36, although of a different scope and terminology than claim 33, are also submitted as allowable for their inclusion of requirements similar to those which render claim 33 allowable, and for further distinctions.

For example, claim 34 requires that, at the checkout unit where token validation takes place, the non-validated can token can be physically replaced by another token from a token printer or from a supply of pre-made, non-alterable, reusable, revalidatable and machine readable tokens. Accordingly, it is submitted that nothing in Planke and Ranieri shows or suggests the requirements of claim 34, and that claim 34 is allowable.

Applicant further submits that claims dependent on claim 34 are likewise allowable for the reasons supporting allowance of claims 33 and 34 as well as

the features defined therein. Allowance of claim 34 and the claims which depend on claim 34, namely claims 15 and 17-28 is thus respectfully requested.

Independent claims 35 and 36 require that the article identifying information for the non-validated token include packaging for the article of merchandise or a part of the packaging, and that the article identifying information be related to a unique token number and type of article of merchandise selected by the customer. For these requirements and other requirements previously discussed in connection with claim 33 it is submitted that claims 35 and 36 are allowable and allowance thereof is respectfully requested.

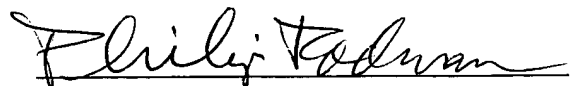
The dependent claims 31 and 32 which respectively depend on claims 35 and 36 are also submitted as allowable for the reasons supporting allowance of claims 35 and 36 as well as the distinctions defined therein. Allowance of dependent claims 31 and 32 is thus respectfully requested.

In view of the foregoing remarks and amendments it is submitted that this application is condition for allowance and allowance thereof is respectfully requested

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Philip Rodman", written over a horizontal line.

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